

DOCUMENT RESUME

03805 - [B2914164]

[Reconsideration of Claim for Retroactive Temporary Promotion and Backpay]. B-178156. October 12, 1977. 2 pp.

Decision re: William A. Green; by Paul G. Dexbling, Acting Comptroller General.

Issue Area: Personnel Management and Compensation: Compensation (305).

Contact: Office of the General Counsel: Civilian Personnel.

Budget Function: General Government: Central Personnel Management (805).

Organization Concerned: Forest Service.

Authority: 52 Comp. Gen. 920. 55 Comp. Gen. 539. 55 Comp. Gen. 785. 56 Comp. Gen. 427. F.P.M., ch. 335, subch. 4-4.

Thomas G. Brown, Deputy Director of Personnel Management of the Forest Service, requested reconsideration of disallowance of an employee's claim for a retroactive temporary promotion and backpay. Based on reconsideration in other decisions which held that an employee detailed to a higher grade for more than a certain period of time was entitled to a retroactive temporary promotion and backpay, the employee's claim was allowed. (HTW)

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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

J. R. [Signature]

FILE: B-178156

DATE: October 12, 1977

MATTER OF: William A. Green - Retroactive Promotion
and Backpay for Extended Detail

DIGEST: Forest Service requests reconsideration of the claim of Mr. William A. Green for a retroactive temporary promotion and back-pay incident to an overlong detail to a higher grade position that was disallowed in our decision 52 Comp. Gen. 920 (1973). In our Turner-Caldwell decisions, 55 Comp. Gen. 539 (1975), and 56 Comp. Gen. 427 (1977), we overruled 52 Comp. Gen. 920, supra, and held that an employee detailed for an overlong period to a higher grade was entitled to a retroactive temporary promotion and back-pay from the 121st day of the detail until it was terminated, if otherwise qualified for the promotion. On reconsideration Mr. Green's claim may now be allowed pursuant to above-cited decisions.

This action involves a request from Thomas G. Brown, Deputy Director of Personnel Management of the Forest Service, United States Department of Agriculture, on behalf of Mr. William A. Green, one of its employees, for review and reconsideration of our decision 52 Comp. Gen. 920 (1973), that disallowed Mr. Green's claim for a retroactive temporary promotion in connection with an overlong detail to a higher grade promotion. That decision held that an extended detail to a higher grade position did not entitle an employee to a retroactive temporary promotion because the Federal Personnel Manual's provisions on temporary promotions (subchapter 4-4, chapter 335) contained no mandatory requirement directing an agency to grant a temporary promotion where an employee temporarily serves in a higher grade position.

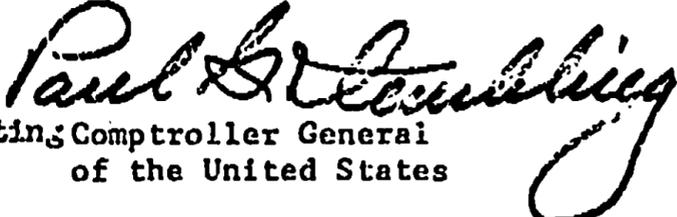
We had occasion to reconsider that rationale in our decisions Matter of Turner-Caldwell, 55 Comp. Gen. 539 (1975), and Reconsideration of Turner-Caldwell, 56 Comp. Gen. 427 (1977). There we overruled our decision 52 Comp. Gen. 920, supra, that disallowed Mr. Green's claim and adopted an interpretation by the Board of Appeals and Review, now Appeals Review Board, Civil Service Commission (CSC), of applicable provisions of CSC regulations governing details. Following the Board's interpretation in the above-cited decisions, we

B-178156

held that an employee detailed to a higher grade position for more than 120 days, without prior CSC approval, is entitled to a retroactive temporary promotion with backpay for the period beginning with the 121st day of the detail until the detail is terminated, provided he was otherwise qualified for such promotion. We made this entitlement retroactively effective, subject to the statute of limitations on claims filed with this Office in our decision Marie Grant, 55 Comp. Gen. 785 (1976).

A review of Mr. Green's claim indicates that while he was serving in his permanent position as a Personnel Management Specialist, grade GS-12, he was assigned to serve on a temporary acting basis in the grade GS-13 position of Chief, Employee Relations Branch, Division of Personnel Management, Pacific Northwest Region, Forest Service, U.S. Department of Agriculture. He served in this temporary acting capacity through August 19, 1972, until the higher grade position was filled by the lateral reassignment of another employee and Mr. Green reverted to his permanent position. An extension of Mr. Green's detail was not obtained from the Commission.

Applying the holdings of our Turner-Caldwell line of decisions, Mr. Green is entitled to a retroactive temporary promotion to grade GS-13 with backpay from November 23, 1971, the 121st day of his detail through August 19, 1972.


Acting Comptroller General
of the United States